

REMARKS

Status of the Claims

Claims 1-10, 14, 15, 22-31 and 34 are pending in the application. Claims 11-13, 16-21, and 32-33 remain cancelled without prejudice or disclaimer.

Claim Rejections Pursuant to Provisional Obviousness-Type Double Patenting

Claims 1-10, 14-15, 22-31, and 34 stand provisionally rejected under the judicially-created doctrine of obviousness-type double patenting over U.S. Patent Application Serial No. 09/717,645 in view of U.S. Patent 5,649,200 to Leblang et al. As stated in the Office Action Response dated June 17, 2004, applicants respectfully defer their response to the merits of the provisional rejection until the allegedly conflicting claims in one of the subject cases are allowed.

Claim Rejections Pursuant to 35 U.S.C. §101

The examiner has rejected claim 14 under 35 U.S.C. §101 as being directed to non-statutory subject matter for failing to produce a useful, concrete and tangible result. The applicants respectfully traverse this rejection.

Claim 14 is directed to a computer-readable medium having a data structure stored thereon, and describes the fields of the data structure. A data structure on a computer-readable medium is a permissible form of patentable subject matter under *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994) if the claim represents functional descriptive material that, as recorded on the computer medium, becomes structurally and functionally related to the medium and the function of the descriptive material becomes realized through the use of technology. 32 F.3d at 1583-84, 32 USPQ2d at 1035. See also MPEP § 2106 IV.B.1.(a).

Thus, applicants respectfully submit that claim 14 does indeed represent functional descriptive material that as recorded on the computer medium becomes structurally and functionally related to the medium, and that the function of the descriptive material becomes realized through the use of technology. Moreover, applicants respectfully submit that so-

called Lowry claims such as that represented by claim 14 are well-known as a statutory form of claiming computer-related data structure subject matter.

For all of the aforementioned reasons, then, applicants respectfully submit that claim 14 does indeed represent statutory subject matter under section 101. Accordingly, applicants respectfully request reconsideration and withdrawal of the § 101 rejection.

Claim Rejections Pursuant to 35 U.S.C. §103

Claims 1, 3-6, 8-10, 14, 22, 24-27, 29-31, and 34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,649,200 to Leblang et al. in view of U.S. Patent 5,890,166 to Eisenberg et al.

Claims 2, 7, 15, 23, and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,649,200 to Leblang et al. and U.S. Patent 5,890,166 to Eisenberg et al. in view of U.S. Patent 5,862,325 to Reed et al.

Applicants respectfully traverse the §102(e) and §103(a) rejections as in the July 17, 2004 and October 14, 2004 remarks with the following additional arguments.

Claim 1 claims a computerized method which includes, inter alia, the following steps:

creating a link content data structure comprising a link set reference field, an object reference field, and a start time field;

adding an association of the project management object to said set of associated project management objects by setting said link set reference field in said link content data structure to a value that refers to said link set data structure corresponding to the set of associated project management objects;

setting said object reference field in said link content data structure to refer to the project management object

Applicants believe that the examiner is analogizing more than one element (object reference field, link set data structure) of the claimed invention to a single element (link 530) in Leblang. Applicants offer the following table which describes their understanding of which elements of Leblang the examiner analogizes to the claim elements in the present application:

<u>Claim element in present application</u>	<u>Leblang element</u>	<u>Examiner's comment</u>
Link content data structure	view 212/ configuration record 532	"link content data structure (e.g. <i>view ... build ... Release</i> – col. 9, lines 8-56; <i>configuration record</i> – Fig. 23)" (page 5 of 1/5/2005 office action)
Link set reference field	entry 532	" a link set reference field , an object reference field (entry 532 , link 530 – Fig. 20 – Note: entry in CR and link 530 read on link set reference field , and an object reference field, respectively)" (page 5 of 1/5/2005 office action, emphasis added)
Object reference field	link 530	"a link set reference field, an object reference field (entry 532, link 530 – Fig. 20 – Note: entry in CR and link 530 read on link set reference field, and an object reference field , respectively)" and "setting said object reference field in said link content data structure to refer to the project management object (e.g. an field calling for link 530 – Fig. 23) (page 5 of 1/5/2005 office action, emphasis added)
Link set data structure	link 530	"link 530 – a link set data structure corresponding to more than on[e] object[s], such <i>derived objects 500</i> from a VOB database of linked derived objects" (page 5 of 1/5/2005 office action)
Project management object	derived objects 500	"such derived objects 500 from a VOB database of linked derived objects being equivalent to a set of PMOs" (page 5 of 1/5/2005 office action)

This makes clear that the analogy to Leblang is flawed – one element of Leblang (link 530) is being analogized to two very different elements of the claimed invention – (a) the object reference field in the present application, which, according to the claim is set "*to refer to the project management object,*" and (b) the link set reference field, which according to the

claim is set to “a value that refers to said link set data structure corresponding to the set of associated project management objects.”

This analogy necessarily fails. The object reference field of the claimed invention refers to a single project management object, and the link set data structure refers to a set of project management objects with which the single project management object is being associated. The same element - link 530 in Leblang - cannot correspond to both of these elements of the claimed invention.

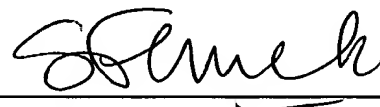
The same problem with the examiner’s analogy applies to the rejections of claims 6, 14, 22, 27. Leblang simply does not teach the structures or methods of the claimed invention.

Additionally, as previously stated, the existence of a link content data structure contrasts with a configuration that is defined in terms of a wildcard. Leblang teaches away from the link content data structure of the invention. While Leblang’s teaching is that, “[t]here is no need to ‘add files to a view’ explicitly,” claim 1 is directed to “[a] computerized method for adding an association of a project management object to a set of associated project management objects.” If the files in the view are analogized to project management objects, the clear teaching of Leblang is away from the claimed method.

Conclusion

In view of the above remarks, Applicants request reconsideration of the present Application and also submit that the present Application is in a condition for allowance. Applicants respectfully and earnestly solicit an early Notice of Allowance for all pending claims.

Date: March 14, 2005



Sharon Fenick
Registration No. 45,269

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439